

JS 44 (Rev. 06/17)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

RACHEL POTERFIELD

(b) County of Residence of First Listed Plaintiff Bucks County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Jason E. Fine, Esquire, J. Fine Law Group, PC  
1628 John F. Kennedy Blvd., Suite 2120  
Philadelphia, PA 19103 (267-888-2960; Jason@finelaw.com)

## DEFENDANTS

EDWARD MAGEE and SJ TRANSPORTATION COMPANY

County of Residence of First Listed Defendant Salem County, NJ  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Paul K. Leary, Jr., Esquire; Cozen O'Connor  
One Liberty Place, 1650 Market Street, Suite 2800  
Philadelphia, PA 19103 (215-665-2000; pleary@cozen.com)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC 1332, 1441 and 1446

Brief description of cause:

Motor Vehicle Accident

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

RACHEL POTERFIELD,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO.
	:	
v.	:	
	:	
EDWARD MAGEE and SJ TRANSPORTATION	:	
COMPANY,	:	
	:	
Defendants.	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ☐
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ☐
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ☐
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ☐
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court.  
(See reverse side of this form for a detailed explanation of special management cases.) ☐
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. ☒

June 5, 2019	Paul K. Leary, Jr.	Edward Magee and SJ Transportation Company
<b>Date</b>	<b>Attorney at Law</b>	<b>Attorney for Defendant</b>
215-665-6911	215-701-2011	PLeary@Cozen.com
<b>Telephone</b>	<b>Fax Number</b>	<b>Email Address</b>

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff 502 Hidden Forest Court, Fairless Hills, PA 19030

Address of Defendant 353 54 E. Canal Street, Alloway, NJ 08001

Place of Accident, Incident or Transaction State Road, Philadelphia County, PA

**RELATED CASE, IF ANY:**

Case Number \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions

- |   |   |                              |  |
|---|---|------------------------------|--|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 6-5-19 Paul Leary Attorney-at-Law / Pro Se Plaintiff 85402 Attorney I D # (if applicable)

**CIVIL: (Place a v in one category only)**

**A Federal Question Cases**

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FELA
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☐ 7 Civil Rights
- ☐ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☐ 11 All other Federal Question Cases  
(Please specify) \_\_\_\_\_

**B Diversity Jurisdiction Cases:**

- ☐ 1 Insurance Contract and Other Contracts
- ☐ 2 Airplane Personal Injury
- ☐ 3 Assault, Defamation
- ☐ 4 Marine Personal Injury
- ☒ 5 Motor Vehicle Personal Injury
- ☐ 6 Other Personal Injury (Please specify) \_\_\_\_\_
- ☐ 7 Products Liability
- ☐ 8 Products Liability Asbestos
- ☐ 9 All other Diversity Cases  
(Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration)*

I, Paul K. Leary, Jr., counsel of record or pro se plaintiff, do hereby certify

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs

☐ Relief other than monetary damages is sought.

DATE 06/05/2019 Paul Leary Attorney-at-Law / Pro Se Plaintiff 85402 Attorney I D # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

**JUN - 5 2019**

**UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

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RACHEL POTERFIELD  
502 Hidden Forest Court  
Fairless Hills, PA 19030

Plaintiff,

v.

EDWARD MAGEE  
353 54 E. Canal Street  
Alloway, NJ 08001  
And  
SJ TRANSPORTATION COMPANY  
1176 US Route 40  
Woodstown, NJ 08098

Defendants.

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CIVIL ACTION NO.

**NOTICE OF REMOVAL**

TO: CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Edward Magee and S-J Transportation Co., Inc.<sup>1</sup> (collectively, “Defendants”), by and through their undersigned counsel, hereby give notice of removal of this action from the Court of Common Pleas for Philadelphia County, Pennsylvania, Civil Law Division, where it is pending under Case ID 190500944, to the United States District Court for the Eastern District of Pennsylvania. As set forth more fully below, the case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because Defendants satisfy the procedural requirements for removal under 28 U.S.C. § 1446, and this Court has subject

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<sup>1</sup> Incorrectly named as “SJ Transportation Company”.



matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. In support of removal, Defendants aver:

**THE STATE COURT ACTION**

1. Plaintiff, Rachel Porterfield, is an individual who resides at 502 Hidden Forest Court, Fairless Hills, PA 19030. (Complaint, attached hereto as Exhibit A).
2. Plaintiff filed the Complaint on May 10, 2019.
3. Plaintiff's Complaint arises out of injuries allegedly sustained when Plaintiff was impacted by a motor vehicle that was "owned, leased, controlled" by Defendant S-J Transportation Co., Inc. and driven by Edward Magee in an incident occurring "south on State Road in the right hand lane." (Ex. A ¶ 9-11).

**DIVERSITY JURISDICTION**

4. Under 28 U.S.C. § 1332(a)(1), "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States."
5. This action satisfies the complete diversity of citizenship requirement of 28 U.S.C. § 1332(a)(1).
6. For purposes of assessing diversity, an individual is a citizen of the state in which he or she is domiciled. *See GBForefront, L.P. v. Forefront Mgmt. Grp., LLC*, 888 F.3d 29, 34 (3d Cir. 2018).
7. Moreover, a corporation is a citizen of the state in which it is incorporated and in which it maintains its principal place of business. 28 U.S.C. § 1332(c).

8. Plaintiff's verified Complaint declares that she is an individual residing in Fairless Hills, Pennsylvania 19030, providing no indication that she intends to stay elsewhere. Plaintiff is, on information and belief, a citizen of the Commonwealth of Pennsylvania.

9. At all relevant times, Edward Magee, is and was an individual residing at 54 E. Canal Street, Alloway, NJ 08001 who intends to remain in the State of New Jersey.

10. As such, Edward Magee is a citizen of the State of New Jersey.

11. At all relevant times, S-J Transportation Co., Inc. was and is a New Jersey corporation, having a principal place of business in Woodstown, NJ.

12. Therefore, for diversity of citizenship purposes, S-J Transportation Co., Inc. is a citizen of the State of New Jersey.

13. Complete diversity exists where Plaintiff is a citizen of the Commonwealth of Pennsylvania and Defendants are citizens of the State of New Jersey.

14. This action also satisfies the amount in controversy requirement of 28 U.S.C. § 1332(a).

15. The sum demanded in the Complaint shall be deemed to be the amount in controversy, but in instances in which the Complaint does not specify an amount in controversy, the defendant may assert that it exceeds the threshold if state practice "permits recovery of damages in excess of the amount demanded." 28 U.S.C. § 1446(c)(2)(A)(ii).

16. In her Complaint, Plaintiff repeatedly claims to seek damages against Defendants "in a sum in excess of \$50,000.00 plus interest, costs and any other relief which this Court may deem appropriate." Plaintiff further avers that she "suffered serious and permanent losses of body functions (as defined by 42 Pa.C.S. § 85333)" and "physical pain, aches, mental anguish, and humiliation, inconveniences and loss of life's pleasures . . . for an indefinite time in the future,"

potentially resulting in “severe actual loss of her gross income” and “impairment of her earning capacity and power” (Ex. A ¶¶ 14, 17-19).

17. Based on Plaintiff’s allegations in the Complaint, it is therefore averred that the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

18. Accordingly, the United States District Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332.

### **REMOVAL JURISDICTION**

19. This action is properly removed pursuant to 28 U.S.C. §§ 1441 and 1446.

20. Under Section 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Section 1441(b) further provides that “such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which the action is brought.” *Id.* § 1441(b).

21. Plaintiff filed this action in the Court of Common Pleas of Philadelphia County. The Eastern District of Pennsylvania is the judicial district embracing Philadelphia County, the place where the State Action was brought, and, therefore, is the proper district court to which this case should be removed. *See* 28 U.S.C. §§ 1441(a), 1446(a).

22. Under Section 1446(b), the notice of removal shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief. 28 U.S.C. § 1446(b).

23. Defendants received the Complaint via certified mail on or about May 15, 2019. As such, Defendants are filing this notice within thirty (30) days of receipt of the Complaint

pursuant to 28 U.S.C. § 1446(c). Therefore, this removal is timely because 30 days have not elapsed from the date of service of the Complaint.

24. Pursuant to Section 1446(b)(2)(A), all Defendants have consented to removal. All Defendants are represented by the same undersigned counsel.

25. Further, pursuant to Section 1446(a), Defendants are simultaneously filing with this Notice of Removal copies of all process, pleadings, orders, and other papers or exhibits of every kind existing on file in the Court of Common Pleas of Philadelphia County in this removed action.

26. Additionally, Defendants are filing a copy of this notice of removal with the Prothonotary of the Court of Common Pleas of Philadelphia County. See 28 U.S.C. § 1446(d).

27. Defendants reserve the right to raise all defenses and objections in this action after the action is removed to this Court.

WHEREFORE, Defendants, Edward Magee and S-J Transportation Co., Inc., hereby remove this action now pending against them in the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

COZEN O'CONNOR



Paul K. Leary, Jr., Esq.

Nicholas A. Karwacki, Esq.

One Liberty Place

1650 Market Street, Suite 2800

Philadelphia, PA 19103

pleary@cozen.com

nkarwacki@cozen.com

*Attorneys for Defendants,*

*Edward Magee and S-J Transportation, Co., Inc.*

Dated: June 5, 2019



**CERTIFICATE OF SERVICE**

I, Paul K. Leary, Jr., Esquire, attorney for Defendants, hereby certify that a copy of the foregoing Notice of Removal was served upon the following counsel via first-class mail, postage prepaid, on June 5, 2019, addressed as follows::

Jason E. Fine, Esq.  
J. FINE LAW GROUP, P.C.  
1628 John F. Kennedy Blvd., Suite 2120  
Philadelphia, PA 19103  
jason@jfinelaw.com  
*Attorney for Plaintiff*

  
\_\_\_\_\_  
Paul K. Leary, Jr., Esq.

# Exhibit A

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)	
<b>MAY 2019</b> E-Filed Number: 1905024482 <b>000944</b>	
PLAINTIFF'S NAME RACHEL POTERFIELD	DEFENDANT'S NAME EDWARD MAGEE
PLAINTIFF'S ADDRESS 502 HIDDEN FOREST COURT FAIRLESS HILLS PA 19030	DEFENDANT'S ADDRESS 353 54 E. CANAL STREET ALLOWAY NJ 08001
PLAINTIFF'S NAME	DEFENDANT'S NAME SJ TRANSPORTATION COMPANY
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 1176 US ROUTE 40 WOODSTOWN PA 08098
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2 COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> <b>FILED</b>  <b>PROTHONOTARY</b>  <b>MAY 10 2019</b>  <b>M. BRYANT</b> </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
<b>TO THE PROTHONOTARY:</b> Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>RACHEL POTERFIELD</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JASON E. FINE	ADDRESS J FINE LAW GROUP, LLC 1628 JFK BOULEVARD SUITE 2120 PHILADELPHIA PA 19103
PHONE NUMBER (267) 888-2960	FAX NUMBER (267) 687-7018
SUPREME COURT IDENTIFICATION NO. 82452	E-MAIL ADDRESS filings@jfinelaw.com
SIGNATURE OF FILING ATTORNEY OR PARTY JASON FINE	DATE SUBMITTED Friday, May 10, 2019, 08:54 am

FINAL COPY (Approved by the Prothonotary Clerk)

**J. FINE LAW GROUP, P.C.**

BY: Jason E. Fine, Esquire  
Attorney ID#: 82452  
1628 John F. Kennedy Blvd., Suite 2120  
Philadelphia, PA 19103  
(267) 888-2960  
Jason@jfinelaw.com

Filed and Attested by the  
Office of the Judicial Records  
Rachel Porterfield 10 May 2019 10:04 am



**RACHEL POTERFIELD**

502 Hidden Forest Court  
Fairless Hills, PA 19030

Plaintiff,

v.

**EDWARD MAGEE**

353 54 E. Canal Street  
Alloway, NJ 08001  
and  
SJ Transportation Company  
1176 US Route 40  
Woodstown, NJ 08098

Defendants.

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

TERM, 2019

NO.:

MAJOR NON-JURY CASE  
ASSESSMENT OF DAMAGES  
HEARING IS REQUIRED

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the Claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing it in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the complaint or for any other claim or relief by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP

PHILADELPHIA BAR ASSOCIATION  
Lawyer Referral And Information Service  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y las notificacion. Hacer falta asentar una comparencia escrita o un persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFA  
Servicio De Referencia E Informacion Legal  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19107

**CIVIL ACTION COMPLAINT**  
**2V – MOTOR VEHICLE ACCIDENT**

COMES NOW, Plaintiff, Rachel Porterfield, to plead his case and in support thereof she says:

**Parties**

1. Plaintiff, **Rachel Porterfield**, is an adult individual residing at the above captioned address (hereafter referred to as “**Plaintiff**”).
2. Defendant, **Edward Magee**, is an adult individual residing at the above captioned address (hereafter referred to as “**Defendant Operator**”).
3. Defendant, SJ Transportation Company (hereafter referred to as “**Defendant Owner**”), is a business entity created under the laws of the state of New Jersey with a registered office for the acceptance of service or a principal place of business at the above captioned address.

**Jurisdiction and Venue**

4. The accident giving rise to the instant matter occurred in the Commonwealth of Pennsylvania, County of Philadelphia.
5. Defendant Operator and Defendant Owner (hereafter collectively referred to as “**All Defendants**”), are subject to specific personal jurisdiction of Pennsylvania courts pursuant to the accident giving rise to the instant action.
6. Venue is appropriate in Philadelphia County since All Defendants regularly conduct business there.
7. Venue is appropriate in Philadelphia County pursuant to Pa.R. Civ.P. 2179 and/or Pa.R. Civ.P. 1006.
8. Jurisdiction is appropriate in the Commonwealth of Pennsylvania pursuant to 42 Pa.C.S. § 5322.



### **Common Averments**

9. On or about March 29, 2019 at approximately 7:47 p.m., Plaintiff was traveling south on State Road in the right hand lane making a right hand turn, in Philadelphia County, when the Defendant operating a commercial tractor trailer, who was also traveling Southbound on State Road was in the middle lane but made a violent right and struck the Plaintiff's vehicle and pushed said vehicle into a pole causing Plaintiff to suffer serious and permanent injuries.

10. At all times relevant hereto, Defendant Owner owned, leased, controlled and/or had dominion over the Large Truck driven by Defendant Operator.

11. Plaintiff brings this action against Defendant Owner by and as a result of its conduct, acts or omissions of its agents, employees, servants, workmen and Defendant Operator pursuant to 42 Pa. C.S. § 8542(b) and any other applicable local or state rules, laws, or ordinances.

### **COUNT ONE – NEGLIGENCE** **RACHEL POTERFIELD v. EDWARD MAGEE**

12. Plaintiff, Rachel Porterfield, hereby incorporates by reference paragraphs one through eleven (1-11) as if fully set forth herein at length.

13. The negligence of Defendant Operator was the direct and proximate cause of the impact described *infra*, with said negligence being more fully described as:

- (a) failing to properly operate their respective motor vehicle;
- (b) failing to maintain a proper and adequate lookout;
- (c) driving at an excessive and unsafe rate of speed under the circumstances;
- (d) operating the motor vehicle in a careless and negligent manner;
- (e) operating the motor vehicle without due regard to the rights, safety, and position of plaintiff;
- (f) failing to have their respective motor vehicles under proper control so as to prevent defendants' motor vehicle from striking plaintiff's motor vehicle;

- (g) failing to use due care under the circumstances;
- (h) failing to notice the other motor vehicle;
- (i) failing to take evasive action in order to avoid impacting with each motor vehicle;
- (j) violating the relevant ordinances and the Statutes of the Commonwealth of Pennsylvania governing the operation of motor vehicles;
- (k) turning from a lane which is not a turning lane;
- (l) failing to maintain an assured clear distance;
- (m) failing to yield the right of way; and
- (n) failing to apply breaks when vehicles in front of defendant were passing.

14. As a direct cause of the impact and negligence described *infra*, Plaintiff suffered serious and permanent losses of body functions (as defined by 42 Pa.C.S. § 8553), including, but not limited to: 1) closed head injury, 2) disc injuries any more injuries throughout her body.

15. As a further result of this accident, Plaintiff has been obligated to receive and undergo reasonable and necessary medical treatment and rehabilitative services for the injuries suffered and to incur various expenses for said treatment and services for which Defendants, individually, jointly and/or severally, are responsible for pursuant to 42 Pa.C.S.A. Section 8553(c)(3) and 42 Pa.C.S.A. Section 8553(c)(2)(ii).

16 As a further result of this accident, Plaintiff has been obligated to receive and undergo reasonable and necessary medical treatment and rehabilitative services for the injuries he has suffered, and to incur various expenses for said treatment and services, and she may incur various reasonable and necessary future medical expenses from the injuries sustained, and Defendants, individually, jointly and/or severally, are liable for all the same.

17. As a further result of this accident, Plaintiff has or may suffer severe actual loss of her gross income as defined in 75 Pa.C.S.A. Section 1712(2) and 42 Pa.C.S.A. Section 8553(c)(1).

18. As a further result of this accident, Plaintiff has or may suffer impairment of her earning capacity and power, pursuant to 42 Pa.C.S.A. Section 8553(c)(1).

19. As a further result of the accident aforementioned, Plaintiff has suffered physical pain, aches, mental anguish, and humiliation, inconveniences and loss of life's pleasures, and she may continue to suffer same for an indefinite time in the future.

20. As a direct result of this accident, Plaintiff has been unable to attend to her daily chores, duties and occupations and may be unable to do so for an indefinite period of time in the future.

**WHEREFORE**, Plaintiff, Rachel Porterfield, demands damages of the Defendants, individually, jointly and/or severally, in a sum in excess of \$50,000.00 plus interest, costs and any other relief which this Court may deem appropriate.

**COUNT TWO – RESPONDENT SUPERIOR**  
**RACHEL POTERFIELD v. SJ TRANSPORTATION COMPANY**

21. Plaintiff, Rachel Porterfield, hereby incorporates by reference paragraphs one through twenty (1-20) as if fully set forth herein at length.

22. At all times relevant hereto, Defendant Operator was the employee, servant, or otherwise an agent of Defendant Owner; and moreover, at all times relevant hereto, Defendant Operator was acting within the scope of said employment or agency.

**WHEREFORE**, Plaintiff, Rachel Porterfield, demands damages of the Defendants, individually, jointly and/or severally, in a sum in excess of \$50,000.00 plus interest, costs and any other relief which this Court may deem appropriate.

**COUNT THREE – NEGLIGENT ENTRUSTMENT**  
**RACHEL POTERFIELD v. SJ TRANSPORTATION COMPANY**

23. Plaintiff, Rachel Porterfield, hereby incorporates by reference paragraphs one through twenty-two (1-22) as if fully set forth herein at length.

24. The negligence and carelessness of Defendant Owner consisted of, *inter alia*, the following:

(a) negligently entrusting their vehicle to an individual who was not equipped to operate their vehicle safely and/or with due care for others;

(b) negligently entrusting their vehicle to an individual who exhibited a disregard for the safety and well-being of others; and

(c) failing to properly train and/or instruct Defendant Operator in the safe operation and usage of his motor vehicle.

25. As a direct and proximate cause of the aforesaid negligence of Defendant Owner, Plaintiff, Rachel Porterfield, suffered damages as more fully described *infra*.

**WHEREFORE**, Plaintiff, Rachel Porterfield, demands damages of the Defendants, individually, jointly and/or severally, in a sum in excess of \$50,000.00 plus interest, costs and any other relief which this Court may deem appropriate.

Respectfully submitted,  
J. FINE LAW GROUP, P.C.

BY: 

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JASON E. FINE, ESQUIRE  
Attorney for Plaintiff,  
Rachel Porterfield

VERIFICATION

I, RACHEL PORTERFIELD, having read the attached Complaint, verifies that the within pleadings are based on information furnished to counsel, and which information has been gathered by counsel in the course of investigating this claim. The language of the Complaint is that of counsel and not of mine. I verify that I have read the within Complaint and that it is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, I have relied upon counsel in taking this Verification. This Verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

X Rachel Porterfield